

OFFICE OF THE CLERK

MARCIA M. WALDRON

CLERK

UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT
 21400 UNITED STATES COURTHOUSE
 601 MARKET STREET
 PHILADELPHIA 19106-1790

TELEPHONE

215-597-2995

February 8, 2007

Mr. James W. Riley #169716
 Delaware Correctional Center
 1181 Paddock Road
 Smyrna, DE 19977

Re: Undocketed in Third Circuit Court of Appeals

Dear Mr. Riley:

This will acknowledge receipt on January 26, 2007 of an original and three (3) copies of your submission entitled "Petition To Remove Above Captioned Civil Right Case Out Of The Delaware District Court". Any request for transfer of venue must be filed in the appropriate District Court. It is noted that your petition for writ of mandamus at No. 06-4004 was denied by the Court's opinion and judgment issued on November 16, 2006. Accordingly, your submission is being returned to you along with this letter.

To the extent that you are attempting to file a petition for a writ of mandamus or prohibition directed to a court of the United States pursuant to 28 U.S.C. §1651 and Rule 21, Federal Rules of Appellate Procedure; you must comply with the following requirements:

You must either pay the filing fee of \$450 or submit an original and three copies of an in forma pauperis motion and affidavit to the Court of Appeals. See Rule 24 and Form 4, Federal Rules of Appellate Procedure. You also must serve your in forma pauperis motion and affidavit on each party to the proceeding in the trial court (or on counsel for each party). A certificate of service must be submitted to the Court of Appeals. See Rules 21 and 25, Federal Rules of Appellate Procedure. A form affidavit is enclosed for your convenience. As required by the affidavit form, your motion must also be accompanied by a certified statement of your institutional account for the six month prior to this date.

You must serve each party to the proceeding in the trial court with a copy of your petition for writ of mandamus. See Rule 21(a), Federal Rules of Appellate Procedure.

You must provide the trial judge with a copy of your petition for writ of mandamus. See Rule 21(a), Federal Rules of Appellate Procedure.

You must submit an original and three (3) copies of your petition. See Rule 21(d), Federal Rules of Appellate Procedure.

Pursuant to Rule 21(a)(2)(C), Federal Rules of Appellate Procedure, the petition must include the parts of the record necessary to understand the matters presented in the petition. Therefore, any relevant portions of the record must be included.

You must provide the lower court docket number and your petition must be properly titled "In re: [name of petitioner]."
See Rule 21(a)(2)(A), Federal Rules of Appellate Procedure.

Very truly yours,

Marcia M. Waldron, Clerk

By: /s/ Gayle Burr
Gayle Burr
Legal Assistant

MMW/ghb

Enclosures (Affidavit Form & Prison Account Statement)

cc: Honorable Gregory M. Sleet (w/o enclosure)

Ophelia M. Waters, Esq. (w/o enclosure)

Kevin J. Connors, Esq. (w/o enclosure)



Honorable Gregory M. Sleet
District Judge
United States District Court
District of Delaware
844 King Street
Wilmington, DE 19801